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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/725,071 | 12/01/2003 | Peter J. Myers | 20014/38779-A | 2761 |
| 34431 | 7590 | 05/02/2006 | EXAMINER | |
| HANLEY, FLIGHT & ZIMMERMAN, LLC 20 N. WACKER DRIVE SUITE 4220 CHICAGO, IL 60606 | | | CONLEY, FREDRICK C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3673 | |

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,071

Applicant(s)

MYERS ET AL.

Examiner

FREDRICK C. CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-26, 30-42 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-23, 30-34 and 48 is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-19, 24-26, 35-38 and 46 is/are rejected.
- 7) ☒ Claim(s) 6-11, 39-42 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/10/03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The indicated allowability of claims 1-5, 12-19, 24-26, 36-38, and 46 is withdrawn in view of the newly discovered reference(s) to Cheng and Harvey. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by 4,188,745 to Harvey et al.

Claim 36, Harvey discloses a method comprising:

securing a play gym 10 to a play yard (col. 3 lines 14-17);

removing the play gym from the the play yard; and

securing the play gym to a mat defined by a base 34 apart from the play gym.

Claim 37, Harvey discloses the method as defined in claim 36, wherein the mat comprises a floor mat and further comprising removing the floor mat from the play yard.

Claim 38, Harvey discloses the method as defined in claim 36, and having the capability to remove the play gym from the mat; and collapsing the play gym.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 12-13, 17-19, 24-26, ~~46~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,418,575 to Cheng in view of 4,188,745 to Harvey.

Claims 1-2, 24-26, 46, Cheng discloses an apparatus comprising a play yard and a bassinet including a fastener to couple the bassinet to the play yard. Cheng fails to disclose a floor mat and a play gym to suspend an object above the mat with at least one connector to couple the play gym to the mat. Harvey discloses a play gym 10 with a connector (32,46) and a mat defined by a base 34 and coupling the play gym to a play pen (col. 3 lines 14-17). It would have been obvious at the time of the invention to employ the play gym and connector as taught by Harvey in order to entertain the infant while in the bassinet of Cheng. Regarding claims 2 and 24-26, the connector of Harvey is capable of coupling the play gym to the mat and is capable of being removed from the play yard and the bassinet.

Claim 3, Cheng in view of Harvey discloses the apparatus as defined in claim 1 as stated above, wherein the connector of Harvey is capable of coupling the play gym to the mat when the mat is located within the bassinet.

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Claim 4, Cheng in view of Harvey discloses the apparatus as defined in claim 1 as stated above, wherein the connector 32 of Harvey directly couples the play gym to the mat 34.

Claim 12, Cheng in view of Harvey discloses the apparatus as defined in claim 1 as stated above, wherein the at least two legs (12,14) of Harvey are flexible via the slidable width adjustment indicated by arrow 27.

Claim 13, Cheng in view of Harvey discloses the apparatus as defined in claim 1 as stated above, further comprising the at least one of the play yard and the bassinet wherein Harvey discloses the connectors 46 capable of coupling the play gym to the play yard (col. 3 lines 14-15).

Claim 17, Cheng in view of Harvey discloses the apparatus as defined in claim 1 as stated above, wherein the play gym comprises at least one leg defining an arch (fig. 1). An arch is defined as a flat upper edge of an opening. Since the leg of Harvey clearly illustrates a flat upper edge of an opening thus it is considered an arch.

Claims 18-19, Cheng in view of Harvey discloses the apparatus as defined in claim 1 as stated above, wherein the connector of Harvey 32 is located in a top surface of the mat 34 and is not pivotally connected.

Claims 5, 14-16, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,418,575 to Cheng in view of 4,188,745 to Harvey as applied to claims 1-4, 12-13, 17-19, as stated above, and further in view of 5,930,854 to O'Neil et al.

Claims 5, 16, and 35, Cheng, as modified, discloses a plurality of connectors 264, Cheng fails to disclose a hub. O'Neil discloses a play gym having a hub 20 having a slot with two flexible legs 26 having a first end coupled to the hub and a second end coupled to a connector 16. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ the hub as taught by O'Neil in order to provide an alternate design to the frame work of the play gym of Cheng.

Claim 14-15, Cheng, as modified, fails to disclose fabric pockets. O'Neil discloses an apparatus defining a play pen having fabric pockets 16. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ fabric pockets as taught by O'Neill in order to provide a means to secure the play gym to the play yard of Cheng.

Allowable Subject Matter

Claims 21-23, 30-34, and 48 are allowed.

Claims 6-11, 39-42, and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC 


Suzanne Dino Barrett
Primary Examiner